



August 29, 2006

OVERNIGHT DELIVERY

Ms. Elizabeth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, KY 40602

RECEIVED

AUG 30 2006

**PUBLIC SERVICE
COMMISSION**

Re: Administrative Case No. 2006-00045

Dear Ms. O'Donnell:

Please find enclosed for filing with the Commission in the above-referenced case an original and ten copies of the Brief for East Kentucky Power Cooperative, Inc., and its Member Systems.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Charles A. Lile', is written over a light blue horizontal line.

Charles A. Lile
Senior Corporate Counsel

Enclosures

Cc: Parties of Record

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

AUG 30 2006

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

CONSIDERATION OF THE)
REQUIREMENTS OF THE FEDERAL)
ENERGY POLICY ACT OF 2005) ADMIN. CASE NO.
REGARDING TIME-BASED METERING,) 2006-00045
DEMAND RESPONSE AND)
INTERCONNECTION SERVICE)

BRIEF FOR EAST KENTUCKY POWER COOPERATIVE, INC.
AND ITS MEMBER SYSTEMS

DALE W. HENLEY



CHARLES A. LILE

P. O. BOX 707
WINCHESTER, KY 40392-0707
(859) 744-4812
ATTORNEYS FOR EAST
KENTUCKY POWER
COOPERATIVE, INC.

CERTIFICATE OF SERVICE

This is to certify that an original and ten (10) copies of the foregoing Brief for East Kentucky Power Cooperative, Inc., and its Member Systems were shipped by overnight delivery to Ms Elizabeth O'Donnell, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601 and copies were mailed to Parties of Record this 29th day of August, 2006.



CHARLES A. LILE

INDEX

	Page No.
QUESTIONS PRESENTED.....	3
STATEMENT OF FACTS.....	4
ISSUE I	
ARGUMENT	
THE ENERGY POLICY ACT REQUIREMENTS WHICH ARE THE SUBJECT OF THIS CASE DO NOT APPLY DIRECTLY TO EKPC OR TO ANY OF ITS MEMBER SYSTEMS WITHOUT 2004 RETAIL ELECTRIC ENERGY SALES IN EXCESS OF 500,000 KWHs.....	4
ISSUE II	
ARGUMENT	
THE COMMISSION SHOULD NOT MANDATE THAT JURISDICTIONAL ELECTRIC UTILITIES IMPLEMENT SMART METERING OR DEMAND RESPONSE PROGRAMS, BUT SHOULD ENCOURAGE VOLUNTARY PROGRAMS.....	6
ISSUE III	
ARGUMENT	
THE COMMISSION SHOULD CONSIDER SPECIFYING A MINIMUM INDUSTRY STANDARD AND ALLOWING JURISDICTIONAL ELECTRIC UTILITIES TO DEVELOP THEIR OWN INDIVIDUAL INTERCONNECTION REQUIREMENTS.....	8
CONCLUSION.....	9

QUESTIONS PRESENTED

ISSUE I

ARE EKPC AND ITS MEMBER SYSTEMS COVERED BY THE SMART METERING, DEMAND RESPONSE AND INTERCONNECTION REQUIREMENTS OF THE FEDERAL ENERGY POLICY ACT?

ISSUE II

SHOULD THE COMMISSION MANDATE THAT JURISDICTIONAL ELECTRIC UTILITIES IN KENTUCKY IMPLEMENT SMART METERING AND DEMAND RESPONSE PROGRAMS?

ISSUE III

SHOULD THE COMMISSION MANDATE A UNIFORM INTERCONNECTION STANDARD FOR JURISDICTIONAL ELECTRIC UTILITIES IN KENTUCKY?

STATEMENT OF FACTS

The Commission initiated this administrative case by the issuance of an order dated February 24, 2006, in response to the mandate of the federal Energy Policy Act of 2005 (“EPAct”) that state utility regulatory commissions consider the implementation of certain new standards for smart metering and interconnection.¹ Jurisdictional electric utilities were directed by that order to respond to information requests attached as Appendix C to that order by March 23, 2006, and a procedural schedule was established. The Commission granted intervention requests in the case by numerous agencies and organizations over the next several months, including the Office of the Attorney General, the Metro Human Needs Alliance (“MHNA”), PJM Interconnection, LLC, Kentucky Industrial Utility Customers, Inc., Cellnet Technology, Inc, and Hunt Technologies, Inc.

Supplemental information requests were issued by the Commission staff on April 13, 2006, and Intervenor MHNA on April 12, 2006. The jurisdictional utilities responded to the supplemental requests by April 27, 2006, and participated in an informal conference on May 10, 2006. Verified prepared testimony from the jurisdictional utilities in the case was due on May 18, 2006, and from intervenors on June 6, 2006. A public hearing in the case was held on July 18, 2006, for public comments and the cross-examination of certain utility witnesses.

ISSUE I ARGUMENT

THE ENERGY POLICY ACT REQUIREMENTS WHICH ARE THE SUBJECT OF THIS CASE DO NOT APPLY DIRECTLY TO EKPC OR TO ANY OF ITS MEMBER SYSTEMS WITHOUT 2004 RETAIL ELECTRIC ENERGY SALES IN EXCESS OF 500,000 KWHs

¹ EPACT Subtitle E Section 1252, regarding Smart Metering, and Section 1254, regarding Interconnection.

At the hearing in this case, on July 18, 2006, Commission Chairman Goss inquired whether EKPC was covered by the EAct requirements, which are the subject of this case. (Transcript, July 18, 2006, p. 31) EKPC's research indicates that EKPC, itself, is not covered by the PURPA Title I requirements, since those requirements only apply to "Electric Utilities", as defined in EAct, which have retail electric sales of more than 500,000 kilowatt-hours, as of two years prior to the year that the relevant requirements must be considered. (EAct §102 (a), 16 USC §2612 (a)) Wholesale electric sales are specifically excluded from the calculation of qualifying sales by Electric Utilities. (EAct §102 (b), 16 USC §2612 (b)) EKPC has no retail electric sales, so it is not covered by the EAct requirements that are the subject of this case.

While EKPC is not covered by the relevant EAct requirements, some of EKPC's member distribution systems do have sufficient levels of retail electric sales to be covered by those requirements. The EAct requires the federal Department of Energy ("DOE") to publish a list of covered electric utilities, and the current list is attached hereto as Attachment I. That list includes the following EKPC member systems: Blue Grass Energy Cooperative, Fleming-Mason Energy Cooperative, Jackson Energy Cooperative, Nolin RECC, Owen Electric Cooperative, Salt River Electric Cooperative, South Kentucky RECC, and Taylor County RECC. The DOE list erroneously lists some of the covered EKPC member systems as not being rate-regulated by the Commission, but the list appears to be consistent with Commission's annual statistical reports for 2004. The DOE list is available on the DOE website at <http://www.oe.energy.gov/purpa.htm> .

EKPC has participated in this case for the purpose of coordinating the representation of its member systems. As the all-requirements power supplier for its

member systems, EKPC has designed and facilitated various system-wide programs designed to promote energy efficiency and conservation, and has acted as the purchaser of electric power and energy produced by Qualifying Facilities under PURPA. EKPC plans to continue to provide any services to its member systems which may be beneficial and economical in the implementation of any of the EAct standards which are adopted by the Commission in this case.

**ISSUE II
ARGUMENT**

**THE COMMISSION SHOULD NOT MANDATE THAT JURISDICTIONAL
ELECTRIC UTILITIES IMPLEMENT SMART METERING OR DEMAND
RESPONSE PROGRAMS, BUT SHOULD ENCOURAGE VOLUNTARY
PROGRAMS**

The position of EKPC and its member systems regarding the EAct Smart Metering and Demand Response standards is set out in the Prepared Testimony of William A. Bosta, which was filed in this case on May 18, 2006. EKPC and its member systems have numerous time-of-day and interruptible rates that are currently used by 84 industrial and large commercial customers, involving approximately 170 MW of load. (Bosta Prepared Testimony, p. 2-3; Exhibit WAB-1) Additionally, there are numerous demand response programs available to retail customers on the EKPC system, including approximately 4780 residential customers that utilize Electric Thermal Storage rates, involving a cumulative reduction in the winter system peak of about 60 MW of load, as of 2003. (*Id.*, at 3-4) EKPC and its member systems support the continuation of those existing programs, and believe that they are consistent with the concepts behind the EAct standards. However, EKPC and its member systems do not believe that mandated

time-of-day metering and demand response programs for all electric customers would be in the best interest of their member consumers.

EKPC and its member systems oppose such a mandate for time-of-day metering for all customers due to the high costs of implementation on the EKPC system, the lack of a high peak/off-peak rate differential which would encourage load shifting², and the lack of clear system peak load reduction benefits which would justify requiring non-participating customers to subsidize the significant incremental costs of time-of-day metering. (*Id.*, at 6) The nature of the costs involved in implementing such programs are explained in the Prepared Testimony of Paul A. Dolloff, which was filed in this case on May 18, 2006. Dr. Dolloff's testimony explains that costly specialized meters are needed in the implementation of time-of-day rates, and estimates the variable and fixed costs of such implementation for each EKPC member system. (Dolloff Prepared Testimony, p. 2-5, Exhibit PAD-1) Since EKPC does not anticipate that all system customers would benefit from any substantial cost savings from load shifting in a time-of-day metering program, meaning that the participating customers should not be subsidized by the other non-participating customers, those costs of the program become an additional barrier to participation.

While some EKPC member systems have automatic meter reading capability which could support time-of-day rates, none have seen evidence of residential customer demand sufficient to justify such a program. For that reason, EKPC and its member systems urge the Commission to conduct a comprehensive survey of customer interest in time-of-day rates prior to any consideration of a pilot program to test such programs. (*Id.*,

² See, EKPC and member systems' response to Commission Staff Data Request Dated February 24, 2006, Response No. 4, filed March 23, 2006.

at 5; Bosta PT, at 6) Since a pilot program would involve costs and efforts comparable to actual, full scale implementation of time-of-day metering, a pilot program should be conducted only if sufficient residential customer demand is demonstrated by such a survey. (Dolloff PT, at 5-6) If such a pilot program should be conducted, EKPC and its member systems urge the Commission to design the program to allow each electric utility to demonstrate capabilities of a single type of meter-reading technology, with any existing systems that it already utilizes, in order to minimize costs and burdens of struggling with multiple technologies. (Id., at 7-8)

**ISSUE III
ARGUMENT**

**THE COMMISSION SHOULD CONSIDER SPECIFYING A MINIMUM
INDUSTRY STANDARD AND ALLOWING JURISDICTIONAL ELECTRIC
UTILITIES TO DEVELOP THEIR OWN INDIVIDUAL INTERCONNECTION
REQUIREMENTS**

Dr. Dolloff's Prepared Testimony also discusses the position of EKPC and its member systems in regard to the proposed interconnection standards in EAct Section 1254. All retail electric utilities under the jurisdiction of the Commission have distribution interconnection standards in place, in compliance with the net metering requirements of KRS §278.465-.468, and all EKPC member system interconnection standards comply with the relevant standards of the Institute of Electrical and Electronics Engineers ("IEEE"), including distribution interconnection Standard 1547, which is referenced in EAct Section 1254, and with all relevant facility connection standards of the North American Electric Reliability Counsel ("NERC"). (Id., at 9-10) EKPC and its member systems do not see a compelling need for, or benefits from, the establishment of a uniform statewide interconnection standard. Because each electric utility serving

customers in Kentucky has unique facilities, operational standards and communications issues, Dr. Dolloff estimates that the development of a uniform statewide interconnection standard would require at least a two-year effort to reach a consensus on all of those critical matters. (Id., at 11) Such an undertaking would amount to a duplication of the efforts already made by all of the jurisdictional electric utilities in developing their own interconnection standards, which are designed to protect the safety and reliability of the systems, only to achieve a uniformity that serves little purpose.

EKPC and its member systems propose, instead, that the Commission consider directing the jurisdictional electric utilities to file their individual interconnection standards, along with some certification that the distribution standards comply with IEEE Standard 1547, at a minimum. This approach should satisfy the intent of EPAct Section 1254, avoid the waste of time and resources which would be required for the development of a new statewide standard for distribution interconnections, and would allow interconnection standards, appropriate for each system, to be established much more quickly than the development of a statewide standard.

CONCLUSION

EKPC and its members systems believe that the Smart Metering and Demand Response standards proposed in EPAct Section 1252 are not appropriate as a statewide mandate for time-of-day rate programs for residential customers in Kentucky, for the reasons stated hereinabove, and recommend that the Commission support voluntary programs which can be designed to fit the system capabilities and customer needs of each individual electric utility. EKPC and its member systems also believe that the development of a statewide distribution interconnection standard is not necessary, and

that certification of individual electric utility standards as meeting the minimum requirements of IEEE Standard 1547 is the most efficient way to implement the concepts embodied in EAct Section 1254 in Kentucky.

(045AdminBRIEF.doc)

Attachment I

Public Utility Regulatory Policies Act of 1978 (PURPA) as Applicable to the Energy Policy Act of 2005 (EPACT 2005) – List of Covered Electric Utilities

Background

Under Title I of the Public Utility Regulatory Policies Act of 1978 (PURPA), the U.S. Department of Energy (DOE) is required to publish a list identifying each electric utility that Title I applies to. [See PURPA SEC. 102(c).] The following list is being released by DOE in August 2006 for review and comment by state public utility commissions. **All suggested corrections, edits, additions, and updates to this list from state commissions only should be e-mailed to the following address no later than October 1, 2006: PURPAListupdate@energetics.com**

List

All electric utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt-hours in both 2003 and 2004, except where noted:

** = sales exceeded 500 million kilowatt-hours in 2003 only

* = sales exceeded 500 million kilowatt-hours in 2004 only

Please note that the list below is based on DOE Energy Information Administration (EIA) 2004 Form 861 data <http://www.eia.doe.gov/cneaf/electricity/page/eia861.html>, as well as information gathered from state commission web sites and/or correspondence with state commission staff as needed.

STATE: ALABAMA

Regulatory Authority: Alabama Public Service Commission

Private Companies:

Alabama Power Company

The Alabama Public Service Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Baldwin County El Member Corp
Central Alabama Electric Coop
Cullman Electric Coop Inc
Joe Wheeler Elec Member Corp
Sand Mountain Electric Coop
Singing River Elec Pwr Assn
Southern Pine Elec Coop Inc

Municipals:

Albertville Municipal Utils Bd
City of Athens
City of Dothan

City of Florence

City of Huntsville

Decatur Utilities

Foley Board of Utilities

Sheffield Utilities*

STATE: ALASKA

Regulatory Authority: Regulatory Commission of Alaska

Cooperatives:

Chugach Electric Assn Inc
Golden Valley Electric Assn Inc
Matanuska Electric Assn Inc

Municipals:

Anchorage Municipality of

The Regulatory Commission of Alaska does not have ratemaking authority over the following covered electric utilities:

NONE

STATE: ARIZONA

Regulatory Authority: Arizona Corporation Commission

Private Companies:

- Arizona Public Service Co
- Morenci Water & Electric Co
- Tucson Electric Power Co
- UNS Electric Inc

Cooperatives:

- Mohave Electric Coop Inc
- Sulphur Springs Valley EC Inc

The Arizona Corporation Commission does not have ratemaking authority over the following covered electric utilities:

State:

- Navajo Tribal Utility Auth

Political Subdivisions:

- Salt River Project

STATE: ARKANSAS

Regulatory Authority: Arkansas Public Service Commission

Private Companies:

- Empire District Electric Co
- Entergy Arkansas Inc
- Oklahoma Gas & Electric Co
- Southwestern Electric Power Co

Cooperatives:

- Arkansas Valley Elec Coop Corp
- Carroll Electric Coop Corp
- First Electric Coop Corp
- Mississippi County Electric Coop
- North Arkansas Elec Coop Inc
- Ozarks Electric Coop Corp
- Southwest Arkansas ECC

The Arkansas Public Service Commission does not have ratemaking authority over the following covered electric utilities:

Municipals:

- City of North Little Rock
- City Water and Light Plant

Conway Corporation

STATE: CALIFORNIA

Regulatory Authority: California Public Utilities Commission

Private Companies:

- Pacific Gas & Electric Co
- PacifiCorp
- San Diego Gas & Electric Co
- Sierra Pacific Power Co
- Southern California Edison Co

The California Public Utilities Commission does not have ratemaking authority over the following covered electric utilities:

Municipals:

- City of Anaheim
- City of Burbank
- City of Glendale
- City of Los Angeles
- City of Palo Alto
- City of Pasadena
- City of Redding
- City of Riverside
- City of Roseville
- City of Santa Clara
- City of Vernon
- City & County of San Francisco
- Turlock Irrigation District

Political Subdivisions:

- Imperial Irrigation District
- Modesto Irrigation District
- Sacramento Municipal Util Dist

STATE: COLORADO

Regulatory Authority: Colorado Public Utilities Commission

Private Companies:

- Aquila Inc
- Public Service Co of Colorado

Cooperatives:

- Delta Montrose Electric Assn
- Holy Cross Electric Assn Inc
- Intermountain Rural Elec Assn

La Plata Electric Assn Inc
Moon Lake Electric Assn Inc
Mountain View Elec Assn Inc
Poudre Valley R E A Inc
United Power Inc

Municipals:

City of Longmont
City of Loveland
City of Colorado Springs

The Colorado Public Utilities Commission does not have ratemaking authority over the following covered electric utilities:

Municipals:

City of Fort Collins

STATE: CONNECTICUT

Regulatory Authority: Connecticut Department of Public Utility Control

Municipals:

Groton Dept of Utilities
Wallingford Town of

Private Companies:

Connecticut Light & Power Co
United Illuminating Co

The Connecticut Department of Public Utility Control does not have ratemaking authority over the following covered electric utilities:

NONE

STATE: DELAWARE

Regulatory Authority: Delaware Public Service Commission

Cooperatives:

Delaware Electric Coop Inc

Private Companies:

Delmarva Power & Light Company

The Delaware Public Service Commission does not have ratemaking authority over the following covered electric utilities:

Municipals:

City of Dover

DISTRICT OF COLUMBIA

Regulatory Authority: District of Columbia Public Service Commission

Private Companies:

Potomac Electric Power Co

The District of Columbia Public Service Commission does not have ratemaking authority over the following covered electric utilities:

NONE

STATE: FLORIDA

Regulatory Authority: Florida Public Service Commission

Cooperatives:

Choctawhatche Elec Coop Inc
Clay Electric Cooperative Inc
Florida Keys El Coop Assn Inc
Lee County Electric Coop Inc
Okefenoke Rural El Member Corp*
Peace River Electric Coop, Inc*
Sumter Electric Coop Inc
Talquin Electric Coop Inc
Withlacoochee River Elec Coop

Municipals:

City of Jacksonville Beach
City of Key West
City of Lakeland
City of Ocala
City of Tallahassee
City of Vero Beach
Fort Pierce Utilities Auth
Gainesville Regional Utilities
Jacksonville Electric Authority
Kissimmee Utility Authority
Orlando Utilities Comm
Reedy Creek Improvement Dist

Private Companies:

Florida Power & Light Company
Florida Power Corp
Florida Public Utilities Co
Gulf Power Co
Tampa Electric Co

The Florida Public Service Commission does not have ratemaking authority over the following covered electric utilities:

NONE

STATE: GEORGIA

Regulatory Authority: Georgia Public Service Commission

Private Companies:

Georgia Power Co
Savannah Electric & Power Co

The Georgia Public Service Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Altamaha Electric Member Corp
Amicalola Electric Member Corp
Blue Ridge Mountain E M C*
Carroll Electric Member Corp
Central Georgia El Member Corp
Cobb Electric Membership Corp
Colquitt Electric Membership Corp
Coweta-Fayette El Member Corp
Flint Electric Membership Corp
GreyStone Power Corporation
Hart Electric Member Corp*
Jackson Electric Member Corp
Jefferson Electric Member Corp
North Georgia Elec Member Corp
Okefenoke Rural El Member Corp*
Satilla Rural Elec Member Corporation
Sawnee Electric Membership Corporation
Snapping Shoals El Member Corp
Walton Electric Member Corp

Municipals:

Albany Water Gas & Light Comm
City of Cartersville
City of Chattanooga
City of La Grange
City of Marietta
City of Sylvania
City of Thomasville
Dalton Utilities

STATE: HAWAII

Regulatory Authority: Hawaii Public Utility Commission

Private Companies:

Hawaii Electric Light Co Inc
Hawaiian Electric Co Inc
Maui Electric Co Ltd

The Hawaii Public Utility Commission does not have ratemaking authority over the following covered electric utilities:

NONE

STATE: IDAHO

Regulatory Authority: Idaho Public Utilities Commission

Private Companies:

Avista Corp
Idaho Power Co
PacifiCorp

The Idaho Public Utilities Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Inland Power & Light Company
Lower Valley Energy Inc

Municipals:

City of Idaho Falls

STATE: ILLINOIS

Regulatory Authority: Illinois Commerce Commission

NONE

The Illinois Commerce Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Southeastern IL Elec Coop Inc

Municipals:

City of Springfield
City of St Charles
City of Naperville

Private Companies:

Central Illinois Light Co
Central Illinois Pub Serv Co
Commonwealth Edison Co
Electric Energy Inc
Illinois Power Co
Union Electric Co

STATE: INDIANA

Regulatory Authority: Indiana Utility Regulatory Commission

Cooperatives:

Harrison County Rural E M C

Municipals:

City of Anderson
City of Auburn
City of Mishawaka
City of Richmond

Private Companies:

Indiana Michigan Power Co
Indianapolis Power & Light Co
Northern Indiana Pub Serv Co
PSI Energy Inc
Southern Indiana Gas & Elec Co

The Indiana Utility Regulatory Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Hendricks County Rural E M C*
Northeastern Rural E M C
South Central Indiana REMC*
Western Indiana Energy REMC*

Municipals:

City of Owensboro

STATE: IOWA

Regulatory Authority: Iowa Utilities Board

Cooperatives:

Eastern Iowa Light & Power Coop

Municipals:

Ames City of

Private Companies:

Interstate Power and Light Co
MidAmerican Energy Co

The Iowa Utilities Board does not have ratemaking authority over the following covered electric utilities:

Municipals:

Board of Water Electric & Communications

Political Subdivisions:

Omaha Public Power District

STATE: KANSAS

Regulatory Authority: Kansas Corporation Commission

Cooperatives:

Midwest Energy Inc
Pioneer Electric Coop Inc

Private Companies:

Aquila Inc
Empire District Electric Co
Kansas City Power & Light Co
Kansas Gas & Electric Co
Southwestern Public Service Co
Westar Energy Inc

The Kansas Corporation Commission does not have ratemaking authority over the following covered electric utilities:

Municipals:

City of Coffeyville
City of Kansas City
City of McPherson

STATE: KENTUCKY

Regulatory Authority: Kentucky Public Service Commission

Cooperatives:

Blue Grass Energy Coop Corp
Jackson Energy Coop Corp
Kenergy Corp
Owen Electric Coop Inc
Pennyrile Rural Elec Coop Corp

Salt River Electric Coop Corp
South Kentucky Rural E C C
Warren Rural Elec Coop Corp
West Kentucky Rural E C C

Private Companies:

Kentucky Utilities Co
Louisville Gas & Electric Co

The Kentucky Public Service Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Fleming-Mason Energy Coop Inc
Jackson Purchase Energy Corporation
Nolin Rural Electric Coop Corp
Taylor County Rural ECC*
Tri-County Elec Member Corp

Municipals:

City of Bowling Green
City of Owensboro
City of Paducah
City of Frankfort
Henderson City Utility Comm

Private Companies:

Electric Energy Inc
Kentucky Power Co
Union Light Heat & Power Co

STATE: LOUISIANA

Regulatory Authority: Louisiana Public Service Commission

Cooperatives:

Beauregard Electric Coop Inc
Claiborne Electric Coop Inc
Dixie Electric Membership Corp
South Louisiana Elec Coop Assn*
Southwest Louisiana E M C
Valley Electric Member Corp
Washington-St Tammany E C Inc

Private Companies:

Cleco Power LLC
Entergy Gulf States Inc

Entergy Louisiana Inc
Entergy New Orleans Inc
Southwestern Electric Power Co

The Louisiana Public Service Commission does not have ratemaking authority over the following covered electric utilities:

Municipals:

City of Alexandria
City of Lafayette

STATE: MAINE

Regulatory Authority: Maine Public Utilities Commission

Private Companies:

Bangor Hydro-Electric Company
Central Maine Power Company
Maine Public Service Company

The Maine Public Utilities Commission does not have ratemaking authority over the following covered electric utilities:

NONE

STATE: MARYLAND

Regulatory Authority: Maryland Public Service Commission

Cooperatives:

Choptank Electric Coop Inc
Southern Maryland Elec Coop Inc

Private Companies:

Baltimore Gas & Electric Co
Delmarva Power & Light Company
Potomac Edison Co
Potomac Electric Power Co

The Maryland Public Service Commission does not have ratemaking authority over the following covered electric utilities:

NONE

STATE: MASSACHUSETTS

Regulatory Authority: Massachusetts Department of Telecommunications and Energy

NONE

The Massachusetts Department of Telecommunications and Energy does not have ratemaking authority over the following covered electric utilities:

Municipals:

City of Taunton
Town of Reading

Private Companies:

Boston Edison Co
Cambridge Electric Light Co
Commonwealth Electric Co
Massachusetts Electric Co
Narragansett Electric Co
Western Massachusetts Elec Co

STATE: MICHIGAN

Regulatory Authority: Michigan Public Service Commission

NONE

The Michigan Public Service Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Great Lakes Energy Coop

Municipals:

City of Detroit*
City of Holland
City of Lansing

Private Companies:

Consumers Energy Company
Detroit Edison Co
Edison Sault Electric Co
Northern States Power Co
Upper Peninsula Power Co
Wisconsin Electric Power Co
Wisconsin Public Service Corp

STATE: MINNESOTA

Regulatory Authority: Minnesota Public Utilities Commission

Private Companies:

Minnesota Power Inc
Northern States Power Co
Otter Tail Power Co

The Minnesota Public Utilities Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Anoka Electric Coop
Dakota Electric Assn
East Central Energy
Lake Country Power
Minnesota Valley Electric Coop
Wright-Hennepin Coop Elec Assn

Municipals:

City of Marshall
Rochester Public Utilities

STATE: MISSISSIPPI

Regulatory Authority: Mississippi Public Service Commission

Cooperatives:

4-County Electric Power Assn
Alcorn County Elec Power Assn
Central Electric Power Assn
Coast Electric Power Assn
Dixie Electric Power Assn
East Mississippi Elec Pwr Assn**
Magnolia Electric Power Assn
Northcentral Mississippi E P A
Pearl River Valley El Pwr Assn
Singing River Elec Pwr Assn
Southern Pine Elec Pwr Assn
Tallahatchie Valley E P A
Tombigbee Electric Power Assn
Washington-St Tammany E C Inc

Municipals:

City of Tupelo

Private Companies:

Entergy Mississippi Inc
Mississippi Power Co

The Mississippi Public Service Commission does not have ratemaking authority over the following covered electric utilities:

NONE

STATE: MISSOURI

Regulatory Authority: Missouri Public Service Commission

Private Companies:

Aquila Inc. (Aquila Networks-MPS and Aquila Networks-L&P)
Kansas City Power & Light Co
The Empire Electric District Co
Union Electric Company d/b/a AmerenUE

The Missouri Public Service Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Carroll Electric Coop Corp
Cuivre River Electric Coop Inc
Laclede Electric Coop Inc
Ozark Border Electric Coop
Southwest Electric Coop, Inc*
White River Valley El Coop Inc

Municipals:

City of Columbia
City of Independence
City of Springfield

Private Companies:

Kansas City Power & Light Co

STATE: MONTANA

Regulatory Authority: Montana Public Service Commission

Private Companies:

Avista Corp
Black Hills Power Inc
MDU Resources Group Inc
NorthWestern Energy LLC

The Montana Public Service Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Flathead Electric Coop Inc
Powder River Energy Corp

STATE: NEBRASKA

Regulatory Authority: Nebraska Public Service Commission

The Commission does not regulate the rates and service of the gas and electric utilities of the State of Nebraska.

The Nebraska Public Service Commission does not have ratemaking authority over the following covered electric utilities:

Municipals:

Grand Island City of
Lincoln Electric System

Political Subdivisions:

Loup River Public Power Dist
Nebraska Public Power District
Norris Public Power District
Omaha Public Power District
Southern Public Power District

STATE: NEVADA

Regulatory Authority: Nevada Public Utilities Commission

Private Companies:

Nevada Power Company
Sierra Pacific Power Co

The Nevada Public Utilities Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Wells Rural Electric Co

State:

Colorado River Comm of Nevada

STATE: NEW HAMPSHIRE

Regulatory Authority: New Hampshire Public Utilities Commission

Private Companies:

Granite State Electric Co
Public Service Co of NH
Unitil Energy Systems

The New Hampshire Public Utilities Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

New Hampshire Elec Coop Inc

STATE: NEW JERSEY

Regulatory Authority: New Jersey Board of Public Utilities

Private Companies:

Atlantic City Electric Co
Jersey Central Power & Lt Co
Public Service Elec & Gas Co
Rockland Electric Co

The New Jersey Board of Public Utilities does not have ratemaking authority over the following covered electric utilities:

Municipals:

City of Vineland *

STATE: NEW MEXICO

Regulatory Authority: New Mexico Public Regulation Commission

Cooperatives:

Central Valley Elec Coop Inc
Lea County Electric Coop Inc

Private Companies:

El Paso Electric Company
Public Service Co of NM
Southwestern Public Service Co
Texas-New Mexico Power Co

The New Mexico Public Regulation Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

La Plata Electric Assn Inc

Municipals:

City of Farmington
Los Alamos County**

State:

Navajo Tribal Utility Auth

STATE: NEW YORK

Regulatory Authority: New York Public Service Commission

Municipals:

City of Plattsburgh
Jamestown Board of Public Util

Private Companies:

Central Hudson Gas & Elec Corp
Consolidated Edison Co-NY Inc
New York State Elec & Gas
Niagara Mohawk Power Corp
Orange & Rockland Utils Inc
Pennsylvania Electric Co
Rochester Gas and Electric Corp

The New York Public Service Commission does not have ratemaking authority over the following covered electric utilities:

Municipals:

Village of Solvay

State:

Long Island Power Authority

STATE: NORTH CAROLINA

Regulatory Authority: North Carolina Utilities Commission

Cooperatives:

Blue Ridge Elec Member Corp
Brunswick Elec Member Corp
Carteret-Craven El Member Corp
EnergyUnited El Member Corp
Four County Elec Member Corp
Jones-Onslow El Member Corp
Lumbee River El Member Corp
Mecklenburg Electric Coop Inc
Mountain Electric Coop Inc
Rutherford Elec Member Corp
South River Elec Member Corp
Tri-County Elec Member Corp*
Union Electric Membership Corp
Wake Electric Membership Corp*

Private Companies:

Carolina Power & Light Co
Duke Energy Corporation
Virginia Electric & Power
Co/Dominion North Carolina
Power

The North Carolina Utilities Commission does not have ratemaking authority over the following covered electric utilities:

Municipals:

City of Gastonia
City of Monroe
City of Rocky Mount
City of Wilson
City of Concord
Greenville Utilities Comm
City of Fayetteville Public Works
Town of High Point

STATE: NORTH DAKOTA

Regulatory Authority: North Dakota Public Service Commission

Private Companies:

MDU Resources Group Inc

The North Dakota Public Service Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Cass County Electric Coop Inc
Nodak Electric Coop Inc

STATE: OHIO

Regulatory Authority: Ohio Public Utilities Commission

Municipals:

City of Cleveland

Private Companies:

Cincinnati Gas & Electric Co
Cleveland Electric Illum Co
Columbus Southern Power Co
Dayton Power & Light Co
Ohio Edison Co
Ohio Power Co

Toledo Edison Co

The Ohio Public Utilities Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Pioneer Rural Elec Coop Inc
South Central Power Company

Municipals:

City of Columbus
City of Hamilton

Private Companies:

Monongahela Power Co

STATE: OKLAHOMA

Regulatory Authority: Oklahoma Corporation Commission

Cooperatives:

Arkansas Valley Elec Coop Corp
Northeast OK Elec Coop Inc
Southwest Arkansas E C C
Verdigris Valley Elec Coop Inc

Private Companies:

Oklahoma Gas & Electric Co
Public Service Co of Oklahoma
Southwestern Public Service Co

The Oklahoma Corporation Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Central Rural Elec. Cooperative,
Inc*
Cotton Electric Coop, Inc*
Oklahoma Electric Coop Inc
Ozarks Electric Coop Corp

Municipals:

City of Edmond
City of Coffeyville

State:

Grand River Dam Authority

STATE: OREGON

Regulatory Authority: Oregon Public Utilities Commission

Private Companies:

- PacifiCorp
- Portland General Electric Co

The Oregon Public Utilities Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

- Central Electric Coop Inc
- Oregon Trail El Cons Coop Inc
- Umatilla Electric Coop Assn

Municipals:

- City of Springfield
- City of Eugene
- City of McMinnville

Political Subdivisions:

- Central Lincoln People's Ut Dt
- Clatskanie Peoples Util Dist

STATE: PENNSYLVANIA

Regulatory Authority: Pennsylvania Public Utility Commission

Private Companies:

- Duquesne Light Co
- Metropolitan Edison Co
- PECO Energy Co
- Pennsylvania Electric Co
- Pennsylvania Power Co
- PPL Electric Utilities Corp
- UGI Utilities Inc
- West Penn Power Co

The Pennsylvania Public Utility Commission does not have ratemaking authority over the following covered electric utilities:

NONE

TERRITORY: PUERTO RICO

Regulatory Authority: Puerto Rico Public Services Commission

State:

Puerto Rico Electric Pwr Auth

The Puerto Rico Public Services Commission does not have ratemaking authority over the following covered electric utilities:

NONE

STATE: RHODE ISLAND

Regulatory Authority: Rhode Island Public Utilities Commission

Private Companies:

Narragansett Electric Co

The Rhode Island Public Utilities Commission does not have ratemaking authority over the following covered electric utilities:

NONE

STATE: SOUTH CAROLINA

Regulatory Authority: South Carolina Office of Regulatory Staff

Private Companies:

South Carolina Elec & Gas Co

The South Carolina Office of Regulatory Staff does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

- Aiken Electric Coop Inc
- Berkeley Electric Coop Inc
- Black River Electric Coop Inc
- Blue Ridge Electric Coop Inc
- Fairfield Electric Coop Inc
- Horry Electric Coop Inc
- Laurens Electric Coop Inc
- Marlboro Electric Coop Inc
- Mid-Carolina Electric Coop Inc
- Palmetto Electric Coop Inc
- Pee Dee Electric Coop Inc
- Santee Electric Coop Inc
- York Electric Coop Inc

Municipals:

- City of Orangeburg
- City of Rock Hill

State:

South Carolina Pub Serv Auth

STATE: SOUTH DAKOTA

Regulatory Authority: South Dakota Public Utilities Commission

Private Companies:

Black Hills Power Inc
NorthWestern Energy

The South Dakota Public Utilities Commission does not have ratemaking authority over the following covered electric utilities:

NONE

STATE: TENNESSEE

Regulatory Authority: Tennessee Regulatory Authority

Private Companies:

Kingsport Power Co.
Appalachian Power

The Tennessee Regulatory Authority does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Appalachian Electric Coop
Caney Fork Electric Coop Inc
Cumberland Elec Member Corp
Duck River Elec Member Corp
Fort Loudoun Electric Coop
Gibson Electric Members Corp
Holston Electric Coop Inc
Meriwether Lewis Electric Coop
Middle Tennessee EMC
Mountain Electric Coop Inc
Powell Valley Electric Coop
Sequachee Valley Electric Coop
South Kentucky Rural ECC
Southwest Tennessee EMC
Tri-County EMC
Upper Cumberland EMC
Volunteer Electric Coop

Municipals:

Athens Utility Board
Bristol City of

Bristol Virginia Utilities
Chattanooga City of
City of Alcoa Utilities
City of Dickson
City of Dyersburg
City of Elizabethton
City of Gallatin
City of Jackson
City of Lawrenceburg
City of Morristown
City of Murfreesboro
City of Newport
City of Oak Ridge
City of Clarksville
City of Cleveland
City of Clinton
Columbia Power System
City of Cookeville
City of Greeneville
City of Johnson City
Knoxville Utilities Board
City of Lenoir City
Maryville Utilities
City of Memphis
Nashville Electric Service
Sevier County Electric System

STATE: TEXAS

Regulatory Authority: Texas Public Utility Commission

Private Companies:

Cap Rock Energy Corporation
El Paso Electric Company
Entergy Gulf States Inc
Public Service Co of Oklahoma
Southwestern Electric Power Co
Southwestern Public Service Co
Texas-New Mexico Power Co

The Texas Public Utility Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Bluebonnet Electric Coop Inc
Bowie-Cass Electric Coop Inc
Deep East Texas Elec Coop Inc

Denton County Elec Coop Inc
Farmers Electric Coop Inc
Grayson-Collin Elec Coop, Inc*
Guadalupe Valley Elec Coop Inc
HILCO Electric Cooperative Inc.
Lea County Electric Coop Inc
Lyntegar Electric Coop, Inc**
Magic Valley Electric Coop Inc
Pedernales Electric Coop Inc
Sam Houston Electric Coop Inc
South Plains Electric Coop Inc
Southwest Arkansas ECC
Tri-County Electric Coop Inc
Trinity Valley Elec Coop Inc
United Electric Coop Service Inc
Upshur Rural Elec Coop Corp
Wood County Electric Coop Inc

Municipals:

Austin Energy
Brownsville Public Util Board
City of Bryan
City of College Station
City of Denton
City of Garland
City of Lubbock
City of New Braunfels
City of San Antonio

STATE: UTAH

Regulatory Authority: Utah Public Service Commission

Private Companies:

PacifiCorp

The Utah Public Service Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

Moon Lake Electric Assn Inc
Wells Rural Electric Co

Municipals:

City of St George
Provo City Corporation

State:

Navajo Tribal Utility Auth

STATE: VERMONT

Regulatory Authority: Vermont Public Service Board

Private Companies:

Central Vermont Pub Serv Corp
Green Mountain Power Corp

The Vermont Public Service Board does not have ratemaking authority over the following covered electric utilities:

NONE

STATE: VIRGINIA

Regulatory Authority: Virginia State Corporation Commission

Cooperatives:

Central Virginia Electric Coop
Mecklenburg Electric Coop Inc
Northern Virginia Elec Coop
Powell Valley Electric Coop
Rappahannock Electric Coop
Shenandoah Valley Elec Coop
Southside Electric Coop Inc

Private Companies:

Delmarva Power & Light Co
Potomac Edison Co
Virginia Dominion Power

The Virginia State Corporation Commission does not have ratemaking authority over the following covered electric utilities:

Municipals:

Bristol Virginia Utilities
City of Danville
City of Manassas
City of Harrisonburg

Private Companies:

Appalachian Power Co

STATE: WASHINGTON

Regulatory Authority: Washington Utilities and Transportation Commission

Private Companies:

Avista Corp

Puget Sound Energy Inc

NONE

The Washington Utilities and Transportation Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

- Inland Power & Light Company
- Peninsula Light Company*

Municipals:

- City of Richland
- City of Port Angeles
- City of Seattle
- City of Tacoma

Political Subdivisions:

- PUD No 1 of Benton County
- PUD No 1 of Chelan County
- PUD No 1 of Clallam County
- PUD No 1 of Clark County
- PUD No 1 of Cowlitz County
- PUD No 1 of Douglas County
- PUD No 1 of Franklin County
- PUD No 1 of Grays Harbor Cnty
- PUD No 1 of Lewis County
- PUD No 1 of Okanogan County
- PUD No 1 of Pend Oreille Cnty
- PUD No 2 of Grant County
- PUD No 3 of Mason County
- Snohomish County PUD No 1

STATE: WEST VIRGINIA

Regulatory Authority: Public Service Commission of West Virginia

Cooperatives:

- Shenandoah Valley Elec Coop

Private Companies:

- Monongahela Power Co
- Wheeling Power Co

The Public Service Commission of West Virginia does not have ratemaking authority over the following covered electric utilities:

STATE: WISCONSIN

Regulatory Authority: Wisconsin Public Service Commission

Municipals:

- City of Kaukauna
- City of Menasha
- Manitowoc Public Utilities

Private Companies:

- Consolidated Water Power Co
- Madison Gas & Electric Co
- Northern States Power Co
- Superior Water Light & Power Co
- Wisconsin Electric Power Co
- Wisconsin Power & Light Co
- Wisconsin Public Service Corp

The Wisconsin Public Service Commission does not have ratemaking authority over the following covered electric utilities:

Cooperatives:

- East Central Energy

STATE: WYOMING

Regulatory Authority: Wyoming Public Service Commission

Cooperatives:

- High Plains Power Inc
- Lower Valley Energy Inc
- Powder River Energy Corp

Private Companies:

- Black Hills Power Inc
- Cheyenne Light Fuel & Power Co

The Wyoming Public Service Commission does not have ratemaking authority over the following covered electric utilities:

NONE